

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

IN RE:

PRIVACY AND PUBLIC ACCESS TO
ELECTRONIC CASE FILES

General Order 2004-18

ORDER

This matter comes before the court because the Judicial Conference of the United States has adopted a national policy on sensitive information and public access to electronic case files. The policy was adopted to protect sensitive information of litigants appearing in the United States Courts while providing for more efficient access to court case files. This Court makes electronic access to civil case files available through Public Access to Court Electronic Records (PACER)¹ by imaging documents into the Court's computer system. Beginning January 1, 2005, documents filed in criminal cases will also be made available to the public electronically through PACER. Because filings will be remotely, electronically available and may contain information implicating not only privacy but also personal security concerns, counsel should exercise caution when filing a document that contains any of the following information and consider filing the document conventionally (i.e., on paper only), accompanied by a motion to seal:

1. any personal identifying number, such as a driver's license number;
2. medical records, treatment and diagnosis;
3. employment history;

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PACER is an electronic public access service that allows users to obtain case information from the federal courts. PACER is a service of the United States Judiciary, provided by the Administrative Office of the United States Courts. PACER allows a registered user to access case information through the Internet or a dial-up connection using a computer and a modem.

4. individual financial information;
5. proprietary or trade secret information;
6. information regarding an individual's cooperation with the government;
7. information regarding the victim of any criminal activity;
8. national security information; and
9. sensitive security information as described in 49 U.S.C. § 114(s).

Counsel is strongly urged to share this General Order with all clients so that an informed decision about the inclusion of certain materials may be made.

Accordingly, IT IS HEREBY ORDERED:

1. In compliance with the policy of the Judicial Conference of the United States, and in order to promote public electronic access to case files while also protecting sensitive information and other legitimate interests, parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all pleadings and other papers filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court:
 - a. Social Security Numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
 - b. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
 - c. Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.
 - d. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

- e. Home addresses. If a home address must be included, only the city and state should be listed.
- 2. The responsibility for omitting or redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review filings for compliance with this rule. Counsel and the parties are cautioned that failure to redact these personal identifiers may subject them to sanctions or other disciplinary proceedings as appropriate.
- 3. A party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.
- 4. Social Security cases shall be excluded from electronic public access except for judiciary employees, the United States Attorney or their representatives and litigants.
- 5. This policy in no way creates a private right of action against the Court, the Clerk of the Court, counsel or any other individual or entity on behalf of any individual or entity that may have identifying information erroneously included in a filed document that is made available on the Internet via PACER.
- 6. This Order does not limit the application of Rule 11 of the Federal Rules of Civil Procedure for any willful or deliberate violation of this Order.

This policy shall go into effect after notice to the bar and public and will apply to all documents filed on or after the effective date.

IT IS SO ORDERED this 8th day of November, 2004.

s/Robert L. Miller
Robert L. Miller, Chief Judge

s/Allen Sharp
Allen Sharp, Judge

s/William C. Lee
William C. Lee, Judge

s/James T. Moody
James T. Moody, Judge

s/Rudy Lozano
Rudy Lozano, Judge

s/Philip P. Simon
Philip P. Simon, Judge

s/Theresa L. Springmann
Theresa L. Springmann, Judge